



January 30, 2001

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## SENATE BILL No. 237

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DIGEST OF SB 237 (Updated January 29, 2001 11:00 AM - DI 102)

**Citations Affected:** IC 3-10.

**Synopsis:** Retention of election materials. Makes election materials available to the public following an election, after expiration of the period for filing a petition or cross-petition for a recount of votes or to contest the election. Requires a county voter registration office to keep confidential that portion of election material necessary to protect the secrecy of a voter's ballot.

**Effective:** Upon passage.

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### Landske

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January 9, 2001, read first time and referred to Committee on Legislative Apportionment & Elections.  
January 29, 2001, reported favorably — Do Pass.

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SB 237—LS 7017/DI 101+



January 30, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 237

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-10-1-31 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The  
3 inspector of each precinct shall deliver the bags required by section  
4 30(a) and 30(c) of this chapter in good condition, together with poll  
5 lists, tally sheets, and other forms, to the circuit court clerk when  
6 making returns.  
7 (b) Except for unused ballots disposed of under IC 3-11-3-31 **or**  
8 **affidavits received by the county election board under IC 3-14-5-2**  
9 **for delivery to the foreman of a grand jury**, the circuit court clerk  
10 shall ~~carefully preserve~~ **seal** the ballots and other material ~~and keep all~~  
11 ~~seals intact~~ **during the time allowed to file a verified petition or**  
12 **cross-petition for a recount of votes or to contest the election.**  
13 **Except as provided in subsection (c), after the recount or contest**  
14 **filing period, the election material (except for ballots, which shall**  
15 **remain confidential) shall be made available for copying and**  
16 **inspection under IC 5-14-3. The circuit court clerk shall carefully**  
17 **preserve the sealed ballots and other material for twenty-two (22)**

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1 months, as required by 42 U.S.C. 1974, after which ~~they may be~~  
 2 ~~destroyed the sealed ballots and other material are subject to~~  
 3 **IC 5-15-6** unless:

- 4 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or  
 5 (2) 42 U.S.C. 1973;

6 requires the continued preservation of the ballots or other material.

7 **(c) If a petition for a recount or contest is filed, the material for**  
 8 **that election shall remain confidential until completion of the**  
 9 **recount or contest.**

10 **(d) Upon delivery of the poll lists, the circuit court clerk or board of**  
 11 **county voter registration office may unseal the envelopes containing**  
 12 **the poll lists. For the purposes of:**

- 13 (1) a cancellation of registration conducted under IC 3-7-43  
 14 through IC 3-7-46; ~~or~~  
 15 (2) a transfer of registration conducted under IC 3-7-39,  
 16 IC 3-7-40, or IC 3-7-42; ~~or~~

17 **(3) a change of name performed under IC 3-7-41;**

18 ~~the clerk or board~~ **county voter registration office** may inspect the  
 19 poll lists and update the registration record of the county. Upon  
 20 completion of the inspection, the poll list shall be ~~resealed and~~  
 21 preserved with the ballots and other materials **in the manner**  
 22 **prescribed by subsection (b) and for the time period prescribed by**  
 23 **subsection subsections (b) and (c).**

24 **(e) This subsection does not apply to ballots. Notwithstanding**  
 25 **subsection (b), if a county voter registration office determines that**  
 26 **the inspection and copying of precinct election material would**  
 27 **reveal the political parties, candidates, and public questions for**  
 28 **which an individual cast an absentee ballot, the county voter**  
 29 **registration office shall keep confidential only that portion of the**  
 30 **election material necessary to protect the secrecy of the voter's**  
 31 **ballot.**

32 ~~(d)~~ **(f) After the expiration of the period described in subsection (b)**  
 33 **or (c), the ballots may be destroyed in the manner provided by**  
 34 **IC 3-11-3-31 or transferred to a state educational institution as**  
 35 **provided by IC 3-12-2-12.**

36 **SECTION 2. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. President: The Senate Committee on Legislative Apportionment and Elections, to which was referred Senate Bill No. 237, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 237 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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